WE to-day commence the republica-

ion of Mr. Crittenden's Speech on the admis

sion of Kansas. We have so many demands

for the Speech from the South and West, that

J. J. CRITTENDEN,

OF KENTUCKY. The Admission of Kansas into the Union

under the Lecompton Constitution,

DELIVERED

IN THE SENATE OF THE UNITED STATES,

March 17 1858.

The Senate having under consideration the bill to

I feel how inadequate I am, Mr. President, to

the principle is involved in the present subject.

The President of the United States communi-

cat d to us an instrument called the constitution of the people of the Territory of Kansas, and he has,

with unusual carnestness, advised and recommended to us to admit Kansas under that constitution, as a State into this Union. The question, as it has

presented itself to my mind, involves an inquiry as to the matters of fact bearing upon this instru-ment of writing, and whether these authorize us to

regard this instrument as the constitution of the people of Kansas. Is it their constitution? Does it embody their will? Does it come here under

such sanctions that we are obliged to regard it, or ought to regard it, as the permanent, fundamental law and constitution of this new State? I do not

think it comes with such a sanction, or ought to be regarded as the constitution of the people of Kan-sas. Sir, I shall not occupy your time long on this

oint.

What are the evidences that it is so? It is made

by a convention, to be sure, called under the au-thority of an act of the Legislature of Kansas. It is made by delegates regularly elected by this peo-ple, and prima facie it would appear that it had the sanction of the people of Kansas; but I think there are evidences of a higher character to show

that it is not so, that it is but in appearance a con-stitution, and not in reality.

In the first place, the fact is established beyond

cers of the Federal Government lately there under appointment from the President of the United

tates, Governor Walker and Secretary Stanton, both assure us of that fact upon their personal knowledge. That is high evidence to establish the

fact that it is against the will of, an overwhelming

majority of the people upon whom it is to be im

That constitution in part was submitted to the people. I shall not stop now to inquire how it was submitted, whether fairly or not. A part of

by the people on the clause thus submitted, it received six thousand votes, and a little more. These are the sanctions with which it comes to us. To this extent, it would seem to have the

stitution in part was submitted to the

ed as a constitu

admit Kansas into the Union as a State-

Mr. CRITTENDEN said :

we are constrained to this course.

TERMS OF SUBSCRIPTION.

lubs.

A Club of five subscribers, at \$3, will entitle the erson making it to a copy for six months; a Club f ten, at \$15, to a copy for one year. When a Club as been forwarded, additions may be made to it, on

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their subscriptions will run out, and be reminded that they must immediately renew. All letters, communications, and orders, must be

PROSPECTUS OF THE WASHINGTON AMERICAN.

C. W. FENTON, Washington City, D. C.

We can hardly think it necessary to arge upon those who hold that Americans ought to ule America, the importance of having a paper at the seat of the Federal Government, which shall enunciate and advocate the doctrines o

the American party.

A paper issued from any of the great centres of a nation, but especially from the political Metropolis, in the present age, not in this country only, but in Great Britain, France, and wherever there is the least freadow of dismostration. wherever there is the least freedom of discus-sion, is a medium through which those holding similar sentiments in regard to public afing similar sentiments in regard to public af-fairs and public policy, may make known, dis-cuss and defend their views, and expose the impropriety of the principles, and the impolicy of the measures of their antagonists. It should earnestly labor to give a proper direction to public opinion by enlightening the public mind.

The AMERICAN is the only paper published at the seat of the Federal Government which advocates American doctrines; the only sen tine-of the party stationed where a near and clear view can be had of the movements and doings of their opponents at their headquarters. Here political information concentrates, and nce it radiates to every part of the empire; here party measures and movements are determined, and political campaigns planned; here stratagems are concocted and thwarted, and here at certain seasons of the year politicians most do congregate; here, in short, is the centre of the great political maeistrom in which so many thousands are constantly plungwhich so many tho ing and forever gyrating.

ing and forever gyrating.

If the American party is desirous of being a national party, it should not be without a paper here through which it can make known to all people its views, aims and opinions, and which shall also refute the calumnies that are from time to time uttered against it through ignorance or a less excusable motive; and we, therefore, take hope that the AMERICAN, stand-ing, as it will stand, upon the platform of the American party, advocating, as it will advo-cate, the paramount rights of native-born citi-zens, eschewing, as it will eschew, all interference with slavery as a national concern, and maintaining, as it will maintain, perfect freedom of opinion and of conscience in religion, will find favor in the eyes of all truly patriotic citizens in the land, and commend itself to their

Lest we may not have been specific enough in declaring our principles, we add, that the try, as illustrated by the broad light of his administration, is our political text-book and vade mecum; and shall be our compass and chart.

PLATFORM

Of the American Party, adopted at the session of the National Council, June 2, 1857.

et. An humble acknowledgment to the 1st. An humble acknowledgment to the Supreme Being, for His protecting care vouchasfed to our fathers in their successful Revolutionary truggle, and hitherto manifested to us, their decemdants, in the preservation of the liberties, the independence, and the union of these States.

2d. The perpetuation of the Federal Union, as the palladium of our civil and religious liberties, and the only sure bulwark of American Independence.

3d. Americans must rule America, and to this

end native-born citizens should be selected for all State, Federal, and municipal offices or govern-mer t employment, in preference to all others:

overtheless, 4 in. Persons born of American parents residing

tin. Persons born of American parents residing temporarily abroad, should be entitled to all the rights of native-born citizens; but

5th. No person should be selected for political station, (whether of native or foreign birth,) who recognises any allegiance or obligation of any description to any foreign prince, potentate or power, or who refuses to recognise the Federal and State constitutions (each within its sphere) as paramount to all other laws, as rules of political action.

5th. The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good will, between the citizens of the several States, and to this end, non-interference by Congress with

to this end, non-interference by Congress with questions appertaining solely to the individual a tates, and non-intervention by each State with the affairs of any other State.

the affairs of any other State.

7th. The recognition of the i ght of the nativeborn and naturalized citizens of the United States,
permanently residing in any Territory the cof, to
frame their constitution and laws, and to r gulate
their demestic and social affairs in their own mode, subject only to the provisions of the Federal Con-stitution, with the privilege of admission into the a. Itution, with the privilege of admission into the Union wnenever they have the requisite population for one Representative in Congress. Provided alsays, that none but those who are citizens of the United States, under the constitution and laws thereof, and who have a fixed residence in any such Territory, ought to participate in the formation of the constitution, or in the enactment of laws for said Territory or State.

State or Territory ought to admit others than citisens of the United States to the right of suffrage,
or of holding political office.

9th. A change in the laws or naturalization,

9th. A change in the law of cateralization, making a continued residence of twenty-one years, of all not hereinbefore provided to, n indispensable requisite for citizenship hereal or, and excluding all paup and persons convicted of crime, from landing apon over shores; but no interference

cluding all paup: and persons convicted at this, from landing apon our shores; but no interference with the vested righ s of foreigners.

10th. Opposition to a sy union between Church and State; no interference with religious faith, or was ship, and no test caths for office.

11th. Free and thorough investigation into any and all alleged abuses of public functionaries, and waste component in public expenditures.

and all alleged abuses of public reactionaries, and ractic economy in public expenditures.

2th. The maintenance and enforcement of all laws constitutionally enacted, until said laws shall be repeated, or shall be declared null and void by competent judicial authority.

18th. A free and open discussion of all political principles embraced in our platform.

women and that we entit a rate will

WASHINGTON, D. C., SATURDAY, MAY 22, 1858.

ganic law, is there anything anywhere that forbids ? No; nothing.
The President-had anticipated that the consti-

The President had anticipated that the constitution itself, in whole, and not in part, was to be submitted to the people. The Governor had so contemplated, and had so assured and promised the people. The President regrets that it was only submitted in part. He regrets that it was only submitted in part. He regrets that the entire constitution was not submitted. Though he accepts as an equivalent the partial submission, he regrets that it was not submitted as a whole.

The Territorial Legislature, after this constitution was published, immediately passed a law to have a vote taken upon the entire constitution—the very course which the President had preferred, and to which Mr. Walker pledged himself. What do they do but carry out and act in perfect accordance with the wishes and opinions of the Presi-

do they do but carry out and act in perfect accordance with the wishes and opinions of the President and Governor? And yet the President, who was for a general submission, and would have preferred it, says the act of the Legislature, in accordance with his opinion, is a mere nullity. Why? Because, he says, by the previous acts of the people and of the territorial government the Territory was so far prepared for admission into the Union as a St. te. That is the reason. He gives no application of it, but announces as a reason that it was so far prepared because the constitution had been made, ready to be offered to Congress, though add anything to the various arguments that have been employed on this subject during the long discussion through which we have passed; and yet I should not perform my duty, according to my views, if I omitted to express my sentiments and feelings on the subject before the Senate. I do not intend to occur, your time with expedience of The right. been made, ready to be offered to Congress, though her condition; that was the preparation she had made. The only preparation was, that under the authority of a previous Territorial Legislature, a convention had been held, and a constitution made

and published.

That was the condition of her preparation; and because of that preparation, the President says that the Territorial Legislature had no power whatever to pass a law to take a popular vote upon the adoption of that constitution, to see what the people thought of it; to collect the evidence of the public will! What could the Territorial Legislature do, to satisfy themselves, to satisfy the country, to satisfy the just rights of the people, but to say a vote shall be taken on the 4th of January next, in which all the people shall declare their assent to, or disapprobation of, this constitution as an entire instrument? What is there in the preparation above referred to to pre-vent it? What force had the constitution? Could the constitution, unaccepted by you, un-authorized by you, paralyze and annihilate the legislative power which your act of Congress had conferred upon the territorial government? Does not that power, and all that power, remain as perfect as when you granted it? And could the power which your act gave be diminished or researed by any act of mere territorial authority It is palpable that it could not. No matter wha act might be done by the people of Kansas, call it by what name you please—law of the Territorial Legislature, constitution made by the people—no matter by what name you call it—the supremacy of the Government of the United States remains

all controversy that an overwhelming majority of the people of Kansas are opposed to this instru-ment as their constitution. The two highest offiuntouched and unimpaired, and all the power of territorial legislation which it gave may be exercised by the Legislature.

Of what avail is this constitution until accepted or what avail is this constitution until accepted by Congress, and the State admitted upon it? Whom does it bind? Is it anything more than a proposition by the people of Kansas that "we shall be admitted with this instrument, which we offer as our constitution?" What more is it? Does it bind anybody? Where does it derive its autho ity? The organic law authorized no legislation by a convention. The convention could exercise no legislative power which Congress had given, be se Congress gave its power to a Territorial Legislature, to be elected in a certain manner, and to be exercised in a certain manner. The convention could exercise no legislative power. It bound no one. It did not bind the future State; for, until you accepted it, what prevented the people from popular approbation. But, sir, when you come to look a little further into the investigations which have taken place in that Territory, it appears that calling a convention the next day, and altering or modifying it according to their own views? Is of those six thousand votes, about three thousand were fictitious and fraudulent. That is reported to us by the minority reports of our Committee on Territories: that is verified to us by the proclamation issued by the President of the Council and the Speaker of the House of Representatives of the Territorial Legislature of Kansas. These high officials, who were invited by Mr. Calhoun to witness the counting of the votes which were returned to

is, who were invited by Mr. Calboun to witness case is this: Wisconsin, then under a territoria counting of the votes which were returned to government, presented herself here with a State him, certify from their personal knowledge that more than two thousand of the three thousand votes which were given at three precincts in the counties of Johnson and Leavenworth were fictitious votes. I only call your attention to this in Territory-and, if assented to by the people, that order that it may appear truthfully who it was that the President should announce that fact by proclarder that it may appear truthfully who it was that proved of this constitution.

That vote was taken on the 21st of December. It before that vote was taken, however, a Legislawise on the call of the acting Gavernor, Mr. Stanger, which was elected in October last, and which the call of the acting Gavernor, Mr. Stanger, and the provided state of the pr pproved of this constitution.

That vote was taken on the 21st of December. Before that vote was taken, however, a Legisla-ture, which was elected in October last, and which ton, in December, passed an act postponing that vote from the 21st of December to the 4th of Janvote from the 21st of December to the 4th of Jan-uary. On the 4th of January, under the provis-ions of that act, a question was taken upon the constitution itself broadly. It provided that the another convention, applied to Congress at a sub-

estion should be taken upon the Lecompton sequestitution with slavery, upon the Lecompton as a sequent session, and were admitted into the Union s a State. Was not their state of preparation greater than institution with slavery, upon the Decomposition without slavery, and generally upon the proparation of the Territory of Kansas? Here the constitution itself. Upon that eccasion, over the proparation of the Territory of Kansas? Here Wisconsin was not only in a state of preparation, with the constitution is the constitution of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Here we will be proparation of the Territory of Kansas? Legislature of the Territory of Kansas have by having made a constitution, but that constit the Legislature of the Territory of Katsas have passed resolutions unanimously protesting against the reception by Congress of this instrument as the constitution of the State, declaying that it was obtained by fraud, and that it has not the sanction or concurrence of any, except a small minority of the avail herself, or not to avail herself, of that converged to avail herself, or first constitution, but that constitution against the passed resolutions unanimously protesting against the passed resolution is all that constitution and received the approbation of Congress, and she had been conditionally admitted into the Union as a State. Yet she considered that even under these circumstances, she was at full liberty to avail herself, or not to avail herself, or that constitution of the State, declaying that it was ne people. This is the substance of their reso-tions.

Now, I ask you, sir, upon this evidence, as a dige, to say whether this is the constitution of

Now, I ask you, sir, upon this evidence, as a judge, to say whether this is the constitution of the people of Kansas or not? whether the evidence before you is that it is an instrument signifying their will and declaring that general and permanent law upon which they wish their government law upon which they wish their government to be founded? Unless you shut your eyes to the vote taken on the 4th of January, here is a direct popular evidence and protest against the constitution; and, even supposing the whole of the six thousand votes which were given for it on the 21st of December to be true and real votes, fairly expressed, it shows that there were ten thouairly expressed, it shows that there were ten thou-sand other people in the Territory of Kansas who are opposed to this instrument and who have legit-had prevented any application to Congress for are opposed to this instrument and who have legitimately declared their opposition. Here is the
solemn act of the Legislature of the Territory protesting against it. These are recorded evidencea, as
much so as the constitution itself is a record, having
the same legal sanctions and the same legal tide to
our faith and our confidence. How are you, in
law, to make any difference between these testimonials; to say that you will give effect to one and
will reject the other; that you will give effect to
that which testifies for the minority of the people,
and will reject that which testifies for the majority

If its authority would not have continued a lifetime, how long could it continue? No man can

and will reject that which testifies for the majority time, how long could it continue? No man can of the people; that you will accept that which was set a limit; and the conclusion, therefore, is that it first given, and reject the last expressions of the never had any binding influence—at any rate, of the people; that you will accept that which was first given, and reject the list expressions of the popular will?

It is these last expressions of the popular will that ought to govern on every principle, just as much as that a former law most yield to a subsequent law in any point of conflict between them. The last evidence, then, is the vote of the people on the 4th of January, of ten thousand against it; and the evidence nearly cot-mporareous with that are the resolutions of the Legislature of Kausus, protesting and imploring you not to accept this instrument, that it is a fraud and an imposition upon them. I want to know why it is that this evidence is not entitled to our consideration and to have effect? The President, it seems to me, has given us a most unsutsfactory reason. The

to bave effect? The President, it seems to me, has given us a most unsatisfactory reason. The President says that in recommending the adoption of this constitution to us, as implied in the admission of the State, he has not overlooked the vote of ten thousand against the constitution given upon the 4th of January; he has considered it; but he holds it, and he holds the law of the Territorial Legislature under which that vote was taken, to be mere nullities. Why? The law was passed by the regularly elected Legislature of the Territory providing that a vote should be taken on that day; and why not? Is there any fictions of law; are there any technicallies apringing out of these instruments, governing their force and effect, to prevent this constitution to be made up into a little plea of estoppel against the people? Are the little swhich we are to gather from Westminister Hall, the little saws in actions at law that do well enough to decide little questions of meum and turm among A, B, and C, to be applied as the measure to those great and sovereign principles on which States and peoples rest for their rights and their liberties? No, sir. This is a great political question, open, free to be judged of

according to God's truth and the rights of the people unrestrained, unencumbered, unimpaired by any fiction or by any technicality which could prevent the full scope of your justice and your reason over the whole subject.

Therefore, sir, this state of preparation of the Territory of Kansas for admission into the Union has no effect. The argument is not applied; the fact is merely stated that there is a state of preparation, and there it would be necessary to stop on any doctrine; for, in my own judgment, no argument can be made even of any ordinary plausibility to show that the state of preparation restrains the people of their natural and indefensible right and their legal right as proclaimed by you, to form with perfect freedom their own institutions before they come into the Union. There is no technicality about it.

technicality about it.

Here, it seems to me, applies that great principle to which I adverted at first, that the people have a right to govern themselves. I mean, of course, in subordination to constitution and law. This people had no constitution, could have no constitution, while they remained in territorial dependence; and when the act of the Territorial Legislature was passed requiring a vote to be taken on this proposed constitution, they had full authority to pass that law. Their hands were not bound. Here was a great act about to be done, an bound. Here was a great act about to be done, an act to bind the State, to give it a new character, to give it new institutions, to put upon it a con-stitution—that panoply of the rights of all. This was the great act to be done; it is an act which none but the people can do through themselves or their proper representatives. It is in all cases di-rectly or by reference the act of the people. The laws which they establish are not of that transient constitution—that panoply of the rights of all. This was the great act to be done; it is an act which none but the people can do through themselves or their proper representatives. It is in all cases directly or by reference the act of the people. The laws which they establish are not of that transient of the minority, and their offices to them against the morrow. They are made for permanency. They are the great immutable and eternal truths and principles on which all government must rest. They are expected to be permanent. The people delegate to others the power of passing temporary and repealed to others the power of passing temporary and repealed by themselves.

Constitution is to consider it as one of a section state of the whole action that the officers of the States to be elected. All the of

mitting the State, is to be permanent? Would it be any harm to take the vote over and over again, so long as doubt remains? Congress has the power. What objection could there be to it? You may say "It is an unnecessary care of the people's rights; you have had their decision once; therefore, it is not necessary to have it again;" therefore, it is not necessary to have it again;" gurated. Those who had been driven from the polls, in September, and go to their work. They met those who were opposed to the party that was then. Did they go to work? No. Why did they not? There was an election of the Territory and such indignation and such disgust that they proclaimed aloud, whether wisely or unwisely, that they lowing. They wanted to know the result of that therefore, it is not necessary to have it again;" therefore, it is not necessary to have it again; " the such that they proclaimed aloud, whether wisely or unwisely, that they lowing. They wanted to know the land lay; whether all the refore, it is not necessary to have it again; " the careful to me was safe or rot; whether any point was necessary nay say "It is an unnecessary care of the peo-ple's rights; you have had their decision once; therefore, it is not necessary to have it again;" but out of abundant care, and abundant zeal you may choose to take it again and again, and ascer-ain whether there may be change or variation in the public opinion. Who can say aught against ain whether there may be change or variation in course of things, to show their motives and the there were any obstructions in the way of ordithe public opinion. Who can say aught against metives of the persons who were thus installed nary frauds. They wanted to see what was the it? Do you object to it because it is taking too into the territorial government. They came to character of the new Legislature, that they might great care of public liberty, paying too great respect to popular rights? Nobody will take that by fraud. That was the complaint of the opposing party in Kansas. They renounced their rule, sary to perpetuate their power. They therefore

cation to Congress by these repeated elections.—
You must avoid that as far as you can. In this case it has not delayed it. In this case "What is the us?" This corrupt minority who this vote was taken before this constitution came have got into power, who have in their hands the before you; while it yet slumbered in the bands of President Calhoun. No objection can be made, good to do it, and who will do it, who have done then their was made the case of controlling the election, who are not too President Calhoun. No objection can be made, it will prestire the same means; we shall be again. then, that this was made the cause of, or intended

dence, upon all the evidence, this is not the constitution of the people of Kansas. It is not the constitution under which they desire that you shall admit them into the Union. Now, will you, against their will, force them into the Union under a constitution which they disapprove? That is the question. You know the fact that ten thousand are opposed to the constitution. You know that by the act of their Territorial Legislature they entreat you not to admit them with this constitution. They tell you, moreover, as one of their reasons, not only that they

opposed to it.

Now, would it not be strange, that under these circumstances, we should, without any motive for it that I know of, as the common arbiters of all Territories and States to the extent of our consti-tutional power, force her into the Union? What otive can we have, what right motive, with the Union, and to enforce upon her this constitution? I cannot feel myself authorized to do such a thing. Of course I do not impugn the motives and the views of others, who, taking a different view, act rom impressions different from mine. They act upon one view, and I upon another; but, viewing is a plain, unmistakable violation of the right of the

cople to govern themselves.

I have endeavored to show you, sir, that this is not the constitution of the people of Kansas, according to the recorded evidence of their will. It seems to me, furthermore, that this constitution is a fraud. It is not only not their constitution, eccording to their will, but it is got up and made in fraud, to deprive them of their rights. I believe hat, and I think it can be shown.

The President of the United States has furnished us an argument on this subject, and it has been oftentimes repeated here in the debate—of course a plausible and ingenious argument, as all must admit, even those who deny the solidity of the admit, even those who deny the sondary of the reasoning. What is the argument? The President says that the sense of the people was taken, and proved to be in favor of calling a convention. The convention was called; delegates were elected; those delegates made a constitution; that constitution was submitted to the people in part, and g to law. Well, all these, you will observe, constinte a tissue, a long series of little legalitics, reg-ularities, and technicalities; and the reasoning of the President is founded on technical points on each of these facts. You must admit all the facts.

is there no more in the case than this? There is a great deal more in the case than this.

When frauds have been alleged and charged against this government of Kansas, gentlemen say, "Ah, but these frauds were in other elections; these feads do not particularly and specifically touch this constitution, or the proceedings which led to this constitution." But suppose there were frauds in relation to it: is it not something if I show you that, in regard to that part of the constitution which was submitted to the people to be ratified by them, and which was nothing until the people had ratified it even according to the constitution itself, there was fraud in that election, and abundance of fears? So sharing so improduct and approach and some these featds do not particularly and specifically dance of fraud? So glaring, so impudent, and so fearless had frauds in elections become there, that forget whether it was in Oxford, or Shawnee, or that other precinct that emulates there in its character for fraud, Kickapoo,) you find that the President of the United States, Colonel Benton, and the gentleman from New York, [Mr. Skward,] for the constitution, or that part of it submitted to now to admit the new to not conduct it, but, to leave their consciences more easy, these officers were not even sworn. There was no provision for that. But every man voting for the constitution, or that part of it submitted to now to admit the new to not conduct it. were there, it seems, or fictitious votes were put in for the constitution, of that sort of figure on the poll-book at these miserable precincts as actual voters. That was the vote on the constitution on December 21; that

were the constitution making power there, and there I show you the fraud. What further frauds there were I know not; but this much is apparent—and later develop-ments show greater frauds still—that in one single precinct, where there were only thirty or forty votes to be taken legitimately, there were over twelve hundred: and under the investigation lately made by commissioners in Kansas, that upon sworn testimony is stated to be the fact. In one precinct there were twelve hundred fraudulent and fictitious votes out of twelve hundred and sixty; seven hundred in another, and over six hundred in another; making in the aggregate twenty-six hundred votes in three precincts, entirely fraud-ulent and fictitious, written out by hundreds on the poll-book after the election was over, put on

the poll-book after the election was over, put on without scruple upon the poll-book, upon the election return, put down without scruple during the election, of those who were qualified, and those who were not qualified; and that is the way this constitution in part has received its sanction. But, sir, I think that we should take a very But, sir, I think that we should take a very proper stail view of this subject, one very unsatisfactory to our judgment, if we were to isolate these facts which have direct relation only to the formation of this constitution, and leave out all the surrounding circumstances. It seems to me that the proper and the just mode of regarding this constitution is to consider it as one of a series of the triple of the constitution is to consider it as one of a series of the triple of the constitution is to consider it as one of a series of the triple of the constitution is to consider it as one of a series of the triple of the constitution is to consider it as one of a series of the triple of the constitution is to consider it as one of a series of the triple of the constitution. the proper and the just mode of regarding this to carry through this constitution, greatly import-constitution is to consider it as one of a series of acts, and see if we can find that the whole action tution. There were two Senators of the United

great right of passing those which are permanded and can only be repealed by themselves.

Was it not of consequence, was it not of importance to know the will of the people, whether they really did approve of this constitution which was about to be offered to Congress—a law which, and congress puts its imprimatur on it by adaptive to the congress puts its imprimatur. Would it is the way the government of Kansas was inaugurated. These who had been driven from the polls, those who were opposed to the party that was ground.

But it may be said you might delay the application to Congress by these repeated elections.—

ing party in Kausas. They renounced their rule, they renounced their laws, refused to commit themselves in any way to their support, refused it, will practice the same means; we shall be again

although they had thought before that the people were acting factiously, that they were acting seditiously, that they were acting rebelliously in attempting to withdraw themselves from this government altogether and to act for themselves, and that their complaints of fraudulent. When you see such things as these all around the constitution, when you see the same men who made the constitution rulers in the land during the whole time, do you not see that the had been practiced, they could not doubt their truth and their sincerity in the resentment which they felt and in the conduct which they pursued. However unwise, it was sincere on their part.—
They had been defrauded; they had wrongs enough to sting and humiliate them. This is what these officers say. I know nothing about it; we know nothing about it, except on the test mony. That the ruling minority party were capable of committing fraud, we know. They began in fraud. Has any gentleman who discredits the history which we all have of the frauds practiced in the first election that was held in Kansas? However we might doubt this, how-

It was in the midst of this self suspension of the right of suffrage on the part of their opponents, the convention by which this constitution was made. Look at the constitution itself. On its own face, does it not contain the amplest preparation for fraud, visible and apparent?
Look at the internal evidence marked on its face.
They pass by all the sworn officials of the territorial government who had before conducted elections—they authorized, by the schedule to the constitution, President Calboun to take this whole well learned by them, and fit and quality them to the high hadren to take this whole whole the property the officers to work hadren to the property of each of there facts. You must admit all the facts. Yes, sir, the facts are all true; and if they alone constituted the case, the conclusion would be fair and right that this constitution has been regularly made; that this constitution has been regularly made; that this constitution has been sanctioned by the people as well as by the convention. But is there no more in the case than this? There is a great deal more in the case than this? There is a great deal more in the case than this.

When frauds have been alleged and charged to appoint the officers to conduct the election, receive appoint the officers to conduct the election, receive a great deal more in the case than this.

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When frauds have been alleged and charged to appoint the officers to appoint the officers to appoint the officers to appoint the officers to appoint the case than this? It is said, however, that the series of legalities

appoint the officers to conduct the election, receive the returns, count the ballots, and declare the result. Well, Mr. Calhoun has performed all this business!

Another thing: every human being, in respect to that part of the constitution which was submitted to the people, before he could vote for or against it, was required to swear that he would support that constitution when it was adopted. In the constitution when the was adopted. In the constitution when it was adopted. In the constitution when it was adopted. In the constitution when the was adopted. In the constitution when it was adopted to the people, and of votes of the people, and of votes of the people when it is a political questions. This is another. This is a political questions. It is said, however, that the series of its said,

was on the part submitted to the people. They from the time he went there, had been diligently from the time he went there, had been diligently persuading all the people of the Territory to throw aside this inaction of theirs, come into the elections, and participate in the Government. For this, Mr. Stanton says, Governor Walker became the object of utter hostility to Mr. Calhoun's party. They did not want conciliation. They demanded, as the same witness says, repression. They wanted penalty, not persuasion. They did not know what the result of this persuasion might be in the elections afterwards to take place on the constitution. It was necessary, therefore, to make provision It was necessary, therefore, to make provision against the possible effect of these persuasions and arguments of Governor Walker; it was, therefore, necessary to put in, though nobody opposed them, six thousand votes for the constitution, they believing that that was a majority of the greatest number of votes ever given on any occasion in the Territory, and so it is stated here. They just went beyond the kne; and for fear of rendering it more monstrous, and the fraud more visible, they went just so far as the necessity demanded the fraud. They did not choose to use it superfluously. They rather husbanded it, to be used as the occa

oped, were practised to such an enormous extent. There is where these little precincts distinguished

themselves. Another fact may be noticed, that this conven-Another fact may be noticed, that this conven-tion to make a constitution were to meet, by law, in September, and go to their work. They met then. Did they go to work? No. Why did they not? There was an election of the Territowhether their complaints are well founded and true, or not. I am endeavoring to depict the true, or not. I am endeavoring to depict the were any unexpected majoriti-s rising up; whether adjourned to a day after the election. The Le gislature was elected; and that Legislature turned out, notwithstanding all the frauds that were practiced, to be against them. What then? The Legislature being against them, now what is the provision they made in the constitution? The officers of election, and other officers of the Government were, many of them, appointed by the Territorial Legislature. They thought, "Now, here has come in, in October, a Legislature opposed to us. What so likely but that they who have complained of then, that this was made the cause of, or intended merely for the purpose of delay. The result shows that it was necessary and proper. The result shows that notwithstanding the vote of six thousand, in favor of it, there were ten thousand who were exposed to it. I say, therefore, this is not the constitution of the people of Kansas. It may in a certain sense be a constitution of the people of Kansas but which the people of Kansas but the thousand majority have rejected, have as lawfully rejected in the last vote, as it was lawfully approved by the six thousand first voting in the preceding December.

I say, then, Mr. President, upon the record evidence, upon all the evidence, this is not the constitution of the people of Kansas. It is not the constitution under which they desire that you shall admit them into the Union. Now, will you,

for it, or apparently given for it, were, to a great extent, fraudulent and fictitious. The Legislature tells you that nine-tenths of the people there are opposed to it. disapprove of the whole constitution, but that it is are before you from those high officers lately return- it was here that Oxford, that Shawnee, that Kick-particularly hateful to them because the votes given ed from Kansas—Stanton and Walker. They tell apoo, distinguished themselves in the multiplicity

that their complaints of fraud and imposition upon frauds have been everywhere, that the imposition them in elections were rather affected for the pur-pose of giving cofor to their conduct than other-can you exempt from the contagion (if there was wise, yet when they went among the people and heard them, and learned all about the dealings that had been practiced, they could not doubt their made it? Judging from the positive internal evi-

ever we might have disagreed, however we might approved of their conduct in many instances. There have believed or disbelieved heretofore, ha e not were many bad men among them, as I believe, but every mist and doubt been cleared away from for them the law assigns its proper punishment. ound this fact, and is there one here now to say. The majority of the people have their politica that the right of election was not trodden down rights, that remain, notwithstanding their lega in the first election for a Territorial Legislature in offenses. It is in that point of view, it is in their Kansas, and that a minority government was not political character as the people of a Territory, elected? That they have continued that government by feaud since, is shown at every step of be more or less guilty on one side or the other, is

elf. On its own face, does it not contain the am- that they have not shown, by their conduct on any

that constitution, those who framed it well knew were provisions intolerable to all the free-State men in the Territory, and they would not swear to support it. They so believed and hoped and expected. This was under the show of a fair election. Not only have they secured all the advantages resulting from the precious resulting from the precious security of the officers of the collection.

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fraud. It is void for fraud. If it is not void for

fraud. It is void for fraud. If it is not void for fraud, for that is rather a legal than a political term, we present these frauds and this opposition as a reason why you should not admit our Territory into the Union under this constitution."

That is the state of the question before you. The complainants admit all the regularities just as the President states them. Perhaps they admit the effect these forms would ordinarily have, but they urge other facts in opposition to the apparent evidence of the constitution itself, as I have betacy args other facts in opposition to the apparent evidence of the constitution itself, as I have before adverted to. A majority of the people have protested against it. The present Legislature, by its inquiries, have developed the vast frauds which were practiced in connection with, and in relation to, this constitution. They say, "do not accept it; do not admit us under it; send it back; let it be submitted to a foir state of the needs!" cept it; do not admit us under it; send it back let it be submitted to a fair vote of the people. Sir, upon such a complaint as this, are we not bound, in justice to that people, to examine the whole case? Can any Senator turn away and refuse to look at the testimony that is offered? Can he be justified in so doing by naked legal pre-

Can he be justified in so doing by naked legal pre-sumptions against positive truth? Do not suppose that I would discard all formali-ties, or the fair presumptions resulting from them. In many cases, and to many of the transactions of society, especially to your courts of justice, they are necessary, and they subserve the pur-poses of justice. They were not made to sacrithey are necessary, and they subserve the purposes of justice. They were not made to sacrifice justice, but to uphold it and maintain it and protect it as an armor. That is the proper business of forms—not to crush down justice, but to promote it. We are not now sitting here governed by any technicalities. This is a grand national political tribunal, to judge according to our sense of policy and our sense of justice. That is our high province—not to be controlled by presumptions of law when we can have the naked truth. It is the truth that ought to guide; and for that we ought to look wherever we can find it; and where you find the truth on one side, and the and where you find the truth on one side, and the fiction on the other, which is to be followed, the fiction on the other, which is to be followed, the truth or the fiction? I take the fact; I take the truth; let the fiction return to those tribunals which are by law made subject to it. This is a question above that sort of argument. It is inquirable into. Else how can we judge that it is their constitution? It is the first time, I believe, their constitution? It is the nest time, I believe, that such a question has ever come up in the Senate of the United States. In all former applications for admission, there has been one thing about which there has been no question; and that was, the willingness to be admitted, and the constitution under which they desired to be admitted. There has been no question about the authenticity There has been no question about the authenticity of a constitution, or about its expressing the true will of the people heretofore, that I know of. I am satisfied there has been none; but now that there is, we must inquire into the authenticity of the astrument offered to us; we must inquire whether it is better, on full consideration, to admit this instrument and the State with it or not; and, in the exercise of that judgment, we are bound to look abroad for the truth wherever we can find it. I think, then fore, these matters are all fairly sub-

Mr. President, convinced as I am from these mbprfect views of the evidence in the case, that this instrument is not really the constitution of the people of Kansas, or desired by them to be accepted by you in their admission into the Union; believing that it is not their constitution; and believing moreover, as I verily do, that it is made in fraud and for a fraud; believing that these matters are inquirable into by us, and that the inquiry has led us to abandant light on this subject, I cannot, I will not vote for it. Viewing it as I do, with the opinions I entertain, I could not consent to her ad-miss on without violating my sense of right and jus-tice; and I would submit to any consequence before

would do that.

Now, sir, what considerations are there, apart from these which I have stated, which could lead me to give, or could compensate me for giving, a vote against my sense of what was right and just? What advantage to our whole country, or to any portion of it, is to result from taking Kansas into the Union now with this constitution? Is anything to be gained? Is the South or the North to gain to be gained? Is the south of the North to gain anything by it? I see nothing to be gained by it. I think there is not a gentleman here who believes that Kansas will be a slave State. Before this ter-ritorial government was made, many of the leading men of the South here argued that Kansas and Nebraska never could be slave States. By the law of climate and geography, it was said, they could not. So said my friend from Georgia, [Mr. Toombs,]

and so said Mr. STEPHENS.

Mr. TOOMBS. Never.

Mr. HALE, Mr. Badger said so.

Mr. CRITTENDEN. Mr. KEITT and Mr.

Brooks, of South Carolina, said so. The opinion
was expressed by numerous southern gentlemen
that Kansas could never be a slave State. It was
for the principal that they contanded and the principal but Kansas could never be a slave State. It was or the principle that they contended; and the principle, the abstract principle, was a just one; namely, the right of the people of the Territories, when forming a State government, for admission into the Union, to frame for themselves such a re-publican constitution as they pleased, either excluding or admitting slavery.

Mr. HAMMOND. With the permission of the Senator, I will ask him, "Did I understand him to say that Mr. KEITT had declared Kansas never

ould be a slave State ?"

Mr. CRITTENDEN. Yes, sir; so it is report-Mr. HUNTER, of Virginia, said:

"Does any man believe that you will have a slave-olding State in Kansas or Nebraska?" Governor Bnown, of Mississippi, said:

"That slavery would never find a resting place in ose Territories." Mr. Douglas said:

"I do not believe there is a man in Congress who thinks it could be permanently a slaveholding coun-Mr. Badger, of North Carolina, said :

"I have no more idea of seeing a slave population n either of them than I have of seeing it in Massa. Mr. MILLSON, of Virginia, said :

"No one expects it. No one dreams that slavery vill be established there." Mr. Frederick P. Stanton, of Tennessee, said:

"The fears of northern gentlemen are wholly un-ounded. Slavery will not be established in Kansas and Nebraska." The late Mr. Brooks, of South Carolina said, in

is speech of the 15th of March, 1854: " If the natural laws of climate and of soil exclude s from a territory of which we are the joint own re shall not and we will not complain.

Mr. Butler, of South Carolina said, on the 2d of " If two States should ever come into the Union from them, [the Territories,] it is very certain that not more than one of them could, in any possible event, be a slave-holding State; and I have not the least idea that even one would be."

Mr Keitt of South Carolina, in his speech of ch, 1854, quoted Mr. Pinckney, of h wn State, that-

"Practically, he thought slavery would not go "Practically, he thought stavely would not go ove the line of thirty-six degrees and thirty minutes the laws of physical geography, and therefore, at the South lost no territory fit for slavery."

This is all the authority I have. Mr. GREEN. I wish to inquire what book the mator reads from. What is the title of it? Mr. CRITTENDEN. It seems to be a book written with the most downright Democratic pro-pensities and purposes. [Laughter.] It is "An Appeal to the Democracy of the South, by a south-orn State-Rights Democrat." [Laughter.] Mr. MASON. I suppose the pamphlet is anony-

Mr. CRITTENDEN. Yes, sir.

MASON. The name of the writer of the Mr. CRITTEN Will the gentleman take

contains a great deal of good Democratic [Langhter.] The writer of it thought doing great service to the Democratic